IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

WSOU INVESTMENTS, LLC d/b/a BRAZOS LICENSING AND DEVELOPMENT, Plaintiff, v. ZTE CORPORATION, Defendant.	§ § § § § § § § § § § § § §	CIVIL ACTION NO. 6:20-cv-487-ADA CIVIL ACTION NO. 6:20-cv-488-ADA CIVIL ACTION NO. 6:20-cv-489-ADA CIVIL ACTION NO. 6:20-cv-490-ADA CIVIL ACTION NO. 6:20-cv-491-ADA CIVIL ACTION NO. 6:20-cv-492-ADA CIVIL ACTION NO. 6:20-cv-493-ADA CIVIL ACTION NO. 6:20-cv-494-ADA CIVIL ACTION NO. 6:20-cv-495-ADA CIVIL ACTION NO. 6:20-cv-496-ADA CIVIL ACTION NO. 6:20-cv-497-ADA **JURY TRIAL DEMANDED**

JOINT CLAIM CONSTRUCTION STATEMENT

TO THE HONORABLE COURT:

Pursuant to the Court's Amended Scheduling Order filed in the above-captioned cases, the parties hereby provide the following Joint Claim Construction Statement for the terms, phrases, and clauses appearing in the asserted claims of U.S. Patent Nos. 8,451,839, 7,489,929, 9,185,036, 7,742, 534, 7,487,240, 8,147,071, 9,258,232, 8,179,960, 8,730,905, 9,294,060, and 7,203,505.

I.   AGREED CONSTRUCTIONS

The parties have no agreed term constructions.

II.   LIST OF DISPUTED TERMS FOR CONSTRUCTION

The Parties provide the following list of disputed terms for construction, in the order they are addressed in the Parties' claim construction briefing.

A.   Group 1 Patents (Nos. 6:20-cv-00487, -00488, -00494, -00496)

U.S. Patent No. 7,489,929 (Case No. 6:20-cv-00488-ADA)			
Claim(s)	**Claim Term**	**Plaintiff's Proposed Construction**	**Defendant's Proposed Construction**
11	"buffering bearer traffic" (claim 11) (Proposed by Defendant)	Plain and ordinary meaning	"During a handoff process, all data from the mobile station is buffered at the mobile station or all data at the network side is buffered at the network side until the handoff process is complete."
14	"characteristic" (claims 14) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite	Indefinite under 35 U.S.C. § 112(b)
14	"replacement hysteresis" (claims 14) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite	Indefinite under 35 U.S.C. § 112(b)
U.S. Patent No. 7,742,534 (Case No. 6:20-cv-00496-ADA)			
Claim(s)	**Claim Term**	**Plaintiff's Proposed Construction**	**Defendant's Proposed Construction**
4, 7	"maximal number of sub-carriers" (claim 4) / "maximum number of sub-carriers" (claim 7) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)

6	"means for selecting a set of sub-carriers from the plurality of sub-carriers on which user data is to be communicated from a transmitter to a receiver" (claim 6) (Proposed by Defendant)	Governed by pre-AIA 35 U.S.C. § 112, ¶6; not indefinite. **Function:** selecting a set of sub-carriers from the plurality of sub-carriers on which user data is to be communicated from a transmitter to a receiver. **Structure**: transmitter configured to perform corresponding operation(s), such as, (i) receive quality levels from receiver, (ii) transmit threshold indication to receiver, (iii) select the set of sub-carriers based at least in part on either the received quality level or the transmitted threshold indication (or both).	Governed by 35 U.S.C. § 112(f) **Function:** selecting a set of sub-carriers from the plurality of sub-carriers on which user data is to be communicated from a transmitter to a receiver. **Structure**: none disclosed. Indefinite under 35 U.S.C § 112(b).
6	"means for determining quality levels for sub-carriers" (claim 6) (Proposed by Defendant)	Not governed by pre-AIA 35 U.S.C. § 112, ¶6; not indefinite. But if deemed governed by pre-AIA 35 U.S.C. § 112, ¶6, then: **Function**: determining quality levels for sub-carriers **Structure**: receiver configured to perform corresponding operation(s), such as measure the SIR for sub carriers (see, e.g., 5:19-24).	Governed by 35 U.S.C. § 112(f) **Function:** determining quality levels for sub-carriers **Structure**: none disclosed. Indefinite under 35 U.S.C. § 112(b).

1-3, 5-6, 9, 13, 16-18	"quality levels" (claims 1, 2, 3, 5-9, 13, 16-18) / " as a function of" (claims 1, 6, 16) (Proposed by Defendant)	Plain and ordinary meaning	"One of a signal-to-interference ratio, a bit error rate, or a modulation scheme."

U.S. Patent No. 8,451,839 (Case No. 6:20-cv-00487-ADA)			
Claim(s)	**Claim Term**	**Plaintiff's Proposed Construction**	**Defendant's Proposed Construction**
1, 3, 6, 8, 11	"route" (claims 1, 6, 11) / "route-related information" (claims 1, 3, 6, 8) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
1, 6	"said predefined using time indicates[ing] a [the] using time of said route" (claims 1, 6) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
6	"the using time" (claim 6) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite for lack of antecedent basis under 35 U.S.C. § 112(b).

U.S. Patent No. 9,185,036 (Case No. 6:20-cv-00494-ADA)			
Claim(s)	**Claim Term**	**Plaintiff's Proposed Construction**	**Defendant's Proposed Construction**
1, 6-10, 12, 17-21, 23-24	"data flow" (claims 1, 6-10, 12, 17−21, 23−24) / "to	Plain and ordinary meaning (for each one of the <u>five</u> disputed	Indefinite under 35 U.S.C. § 112(b).

Claim(s)	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
	enable thereby the control of at least one data flow" (claims 1, 12, 23−24) / "data flow is controlled" (claim 7−9, 18−20) / "a data flow" (claims 1, 6, 17, 23) / "the data flow" (claim 7−9, 18−20) (Proposed by Defendant)	phrases); none of the <u>five</u> disputed phrases is indefinite.	
1-4, 6, 12-15, 17, 23-24	"congestion condition to enable thereby the control of at least one data flow in a manner tending to reduce the congestion condition" (claims 1, 12, 23, 24) / "congestion condition" (claims 1−4, 6, 12−15, 17, 23−24) / "indication that a congestion condition exists" (claims 1, 23) (Proposed by Defendant)	Plain and ordinary meaning (for each one of the <u>three</u> disputed phrases); none of the <u>three</u> disputed phrases is indefinite.	Indefinite under 35 U.S.C. § 112(b).

B.   Group 2 Patents (Nos. 6:20-cv-00489, -00492, -00495)

U.S. Patent No. 7,487,240 (Case No. 6:20-cv-00489-ADA))			
Claim(s)	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
1, 6, 13	"verifying connectivity in the network relating to at least Layer-	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)

Claim(s)	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
	2 and Layer-3 objects" (claims 1, 6, and 13) (Proposed by Defendant)		
1, 6, 13	"a given containment hierarchy" (claims 1, 6, and 13) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
1, 6, 13	"the connectivity verification result(s) associated with the alarm" (claims 1, 6, and 13) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
U.S. Patent No. 8,147,071 (Case No. 6:20-cv-00492-ADA)			
Claim(s)	**Claim Term**	**Plaintiff's Proposed Construction**	**Defendant's Proposed Construction**
1, 9, 13, 14	"the processor" / "wherein the processor is configured to" (claims 1, 9, 13, and 14) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
1, 9, 13, 14	"movement signalling" / "receiv[ing] movement signalling associated with the movement of the projector" / "corresponding movement signalling" (claims 1, 9, 13, and 14) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)

Claim(s)	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
1, 13, 14	"discriminate" / "discriminate a movement criterion" / "the processor is configured to discriminate a movement criterion" (claims 1, 13, 14) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
1, 13, 14	"provide associated image data signalling to project associated image data" (claims 1, 13, 14) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
9	"a movement sensor configured to detect movement of the apparatus and/or a projector" (claim 9) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
U.S. Patent No. 9,258,232 (Case No. 6:20-cv-00495-ADA)			
Claim(s)	**Claim Term**	**Plaintiff's Proposed Construction**	**Defendant's Proposed Construction**
1, 14	"instructions for execution by a traffic flow control system for performing flow control on a flow of data packets for transmission over a link" (claim 14)	Not indefinite and not subject to 35 U.S.C. § 112, ¶6; Plain and ordinary meaning.	Governed by 35 U.S.C. § 112(f) **Function**: execution by a traffic flow control system for performing flow control on a flow of data packets for transmission over a link Indefinite under 35 U.S.C. § 112(b);

Claim(s)	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
			Structure: none disclosed
	"flow control" (claim 1) (Proposed by Defendant)	Plain and ordinary meaning	"regulate movement of a series of data packets"
1, 14	"transmission over a link" (claims 1 & 14) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
14	"instructions for receiving, by a controller of the traffic flow control system, a backpressure signal, wherein the back pressure signal indicates a period of congestion" (claim 14) (Proposed by Defendant)	Not indefinite and not subject to 35 U.S.C. § 112, ¶6; Plain and ordinary meaning.	Governed by 35 U.S.C. § 112(f) **Function**: receiving, by a controller of the traffic flow control system, a backpressure signal, wherein the back pressure signal indicates a period of congestion Indefinite under 35 U.S.C. § 112(b); **Structure**: none disclosed

C.   **Group 3 Patents (Nos. 6:20-cv-00490, -00491, -00493, -00497)**

U.S. Patent No. 7,203,505 (Case No. 6:20-cv-00497)			
Claim(s)	**Claim Term**	**Plaintiff's Proposed Construction**	**Defendant's Proposed Construction**

Claim(s)	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
1, 14, 23	"a formatter to format the received data into at least one SMS (Short Message Service) message" / "formatting" / "formatter to format" (Claims 1, 14, 23) (Proposed by Defendant)	Not indefinite and not subject to 35 U.S.C. § 112, ¶6; Plain and ordinary meaning.	Governed by 35 U.S.C. § 112(f) **Function:** formatting the received data into at least one SMS (Short Message Service) message Indefinite under 35 U.S.C. § 112(b); specification fails to describe it **Structure:** none disclosed
1, 14, 23	"SMS (Short Message Service)" (Claims 1, 14, 23 (Proposed by Defendant)	Plain and ordinary meaning	"Cellular based messages of limited size consisting of text and numbers."

U.S. Patent No. 8,179,960 (Case No. 6:20-cv-00490)

Claim(s)	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
1-3, 9-10, 15-17, 23-24	"virtual reference" (Claims 1, 2, 3, 9, 10, 15, 16, 17, 23, and 24) (Proposed by Defendant)	"A group of pixels (e.g., a block) that is used as reference material for encoding portions of the video signal (e.g., a motion-compensated inter-predicted block), but that does not comprise or represent any portion of the actual video sequence to be displayed."	"A group of pixels used as reference material for encoding portions of the video signal, but that does not comprise or represent any portion of the actual video sequence to be displayed."
1, 9, 15, 23	"does not represent any portion of any individual frame of the original video signal" (Claims 1, 9, 15, 23)	Plain and ordinary meaning	"Data generated based on a portion of a video signal but not to be displayed with the video signal."

Claim(s)	Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction
	(Proposed by Defendant)		
3, 17	"minimize differences" (Claims 3 and 17) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
U.S. Patent No. 8,730,905 (Case No. 6:20-cv-00491)			
Claim(s)	**Claim Term**	**Plaintiff's Proposed Construction**	**Defendant's Proposed Construction**
4, 15	"during a time interval between data transmission intervals during the transmission period" (Claims 4, 15) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
5, 16	"at least one frequency channel indicator" (Claims 5, 16) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
9, 21	"causing the transmission of the reservation message on each frequency band separately" (Claims 9, 21) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
U.S. Patent No. 9,294,060 (Case No. 6:20-cv-00493)			
Claim(s)	**Claim Term**	**Plaintiff's Proposed Construction**	**Defendant's Proposed Construction**
1, 10	"extracting a feature vector" (Claims 1, 10)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)

	(Proposed by Defendant)		
1, 10	"level value is attenuated" (Claims 1, 10) (Proposed by Defendant)	Plain and ordinary meaning; not indefinite.	Indefinite under 35 U.S.C. § 112(b)
1, 10	"spectral shape parameter" (Claims 1, 10) (Proposed by Defendant)	Plain and ordinary meaning	"A sub band energy level value or a sub band gain factor based on the sub band energy level value"

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Respectfully submitted,

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3

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on February 23, 2022.

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